

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 24-10889-DMG (SHK)

Date February 24, 2025

Title Ricardo Jose Calderon Lopez v. Doe Viramontes, et al.

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Present: The Honorable DOLLY M. GEE, CHIEF UNITED STATES DISTRICT JUDGE

DEREK DAVIS
Deputy Clerk

NOT REPORTED
Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: [IN CHAMBERS] ORDER DISMISSING ACTION WITHOUT PREJUDICE

On January 3, 2025, the Court struck Plaintiff Ricardo Jose Calderon Lopez's complaint, application to file electronically, and request to proceed *in forma pauperis* for filing deficiencies of which the Court had repeatedly apprised him. [Doc. # 12.] The Court gave Calderon Lopez until January 17, 2025 to re-file corrected documents. The Court further warned him that failure to comply with this deadline would result in dismissal of this action without prejudice for failure to prosecute and to comply with a Court Order.

Calderon Lopez has not timely complied with that order or taken any further action in this matter. He appears to have abandoned the case.

Five factors apply when considering whether to dismiss an action for failure to prosecute or comply with a Court order: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic sanctions." *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986). These factors all favor dismissal here. Calderon Lopez's failure to litigate this action notwithstanding the Court's explanation and opportunity to file corrected documents weighs in favor of dismissal. It appears he does not intend to or cannot litigate this action or comply with the Court's instructions. Dismissal will not prejudice the defense at this early stage. Nor will maintaining this action result in a disposition on the merits, in light of the lack of prosecution. Finally, the Court has already attempted less drastic measures.

Therefore, the Court **DISMISSES** this action without prejudice.

IT IS SO ORDERED.